

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-1729V

UNPUBLISHED

BRIAN EVELAND,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 25, 2022

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu);  
Shoulder Injury Related to Vaccine  
Administration (SIRVA).

*Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for Petitioner.*

*Alec Saxe, U.S. Department of Justice, Washington, DC, for Respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On December 2, 2020, Brian Eveland (“Petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that he suffered a shoulder injury related to vaccine administration (“SIRVA”) resulting from the influenza vaccine (“flu”) vaccine he received on October 22, 2019. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 25, 2022, Respondent filed a combined Rule 4(c) Report and Proffer in which he **concedes** that Petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report and Proffer at 1. Specifically, Respondent states that Petitioner’s injury is consistent with SIRVA as defined by the Vaccine Injury Table and the

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<sup>1</sup> Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

accompanying Qualifications and Aids to Interpretation (“QAI”) for SIRVA. *Id.* at 5 (citing 42 C.F.R. §§ 100.3(a), (c)(10)). Respondent further agrees that Petitioner suffered the residual effects or complications of his injury for more than six months after vaccine administration. *Id.* (citing Section 13(a)(1)(B); Section 11(c)(1)(D)(i)).

**In view of Respondent’s position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master